

AMENDED IN ASSEMBLY JUNE 24, 2009

AMENDED IN ASSEMBLY MAY 28, 2009

**SENATE BILL**

**No. 680**

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**Introduced by Senators Romero and Huff**  
(Coauthors: Assembly Members Hagman and Huffman)

February 27, 2009

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An act to amend Sections 48301, 48303, 48306, 48307, 48310 and 48313 of, 48313, and 48315 of, to add Section 48316 to, and to repeal Sections 48314.5 and 48315 Section 48314.5 of, the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 680, as amended, Romero. School attendance: interdistrict transfers.

(1) Existing law requires each person between the ages of 6 and 18 years, who is not otherwise exempt, to attend the public full-time day school in the school district in which his or her parent or guardian is a resident. Existing law authorizes the governing board of a school district to accept interdistrict transfers by adopting a resolution to become a school district of choice, as defined. *Existing law authorizes the governing board of a school district that elects to accept transfers to ensure, by resolution, that pupils accepted for transfer are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance.* Existing law requires each school district that elects to become a school district of choice to keep an accounting of all requests made for alternative attendance, as specified, and to report this information to the Superintendent of Public Instruction.

Existing law requires the Superintendent to annually make this information available to the Governor, the Legislature, and the public on or before April 1. Existing law prohibits a school district that has not elected to become a school district of choice prior to August 24, 2007, from becoming a school district of choice. Existing law makes the provisions governing interdistrict transfers inoperative on July 1, 2009, and repeals ~~these provisions~~ *them* on January 1, 2010.

~~This bill would delete the prohibition on becoming a school district of choice. The bill also would delete the extend those inoperative and repeal dates of these provisions, thereby extending their operation indefinitely. This to July 1, 2016, and January 1, 2017, respectively. The bill would require any communication made by a participating school district to parents or guardians to be factually accurate and not target individual parents or guardians or residential neighborhoods on the basis of specified personal characteristics of pupils. The bill would require a school district of choice, at its expense, to ensure that the auditor who conducts the annual financial audit of the district, as specified, reviews compliance with the requirements for a random, unbiased selection process and appropriate communications at the same time that he or she is conducting the annual audit, and would require the district to notify the auditor regarding this compliance review prior to the commencement of the annual audit. The bill would also delete the requirement that the Superintendent annually make the information provided by school districts available to the Governor, the Legislature, and the public on or before April 1. This bill would require local school districts who that have adopted a resolution, or elect to become a school district of choice, to publicly report information regarding requests made for interdistrict transfers to adjacent school districts and the county office of education in which the district is located. The bill would also require any communication made by a participating school district to parents or guardians to be factually accurate and not target individual pupils as specified. The bill would make other technical and clarifying changes.~~

*The bill would declare the intent of the Legislature to request that the Legislative Analyst conduct, after consulting with appropriate legislative staff, a comprehensive evaluation of the interdistrict transfer program, and that the evaluation be completed and submitted to the appropriate education policy committees of the Legislature and the Governor by November 1, 2014.*

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 48301 of the Education Code is amended  
2 to read:

3 48301. (a) The governing board of any school district may  
4 accept interdistrict transfers. A school district that receives an  
5 application for attendance under this article is not required to admit  
6 pupils to its schools. If, however, the governing board elects to  
7 accept transfers as authorized under this article, it may, by  
8 resolution, elect to accept transfer pupils, determine and adopt the  
9 number of transfers it is willing to accept under this article, and  
10 ensure that pupils admitted under the policy are selected through  
11 a random, unbiased process that prohibits an evaluation of whether  
12 or not the pupil should be enrolled based upon his or her academic  
13 or athletic performance. Any pupil accepted for transfer shall be  
14 deemed to have fulfilled the requirements of Section 48204. If the  
15 number of transfer applications exceeds the number of transfers  
16 the governing board elects to accept under this article, approval  
17 for transfer pursuant to this article shall be determined by a random  
18 drawing held in public.

19 (b) Either the pupil's school district of residence, upon  
20 notification of the pupil's acceptance to the school district of choice  
21 pursuant to subdivision (c) of Section 48308, or the school district  
22 of choice may prohibit the transfer of a pupil under this article or  
23 limit the number of pupils so transferred if the governing board of  
24 the district determines that the transfer would negatively impact  
25 any of the following:

26 (1) The court-ordered desegregation plan of the district.

27 (2) The voluntary desegregation plan of the district.

28 (3) The racial and ethnic balance of the district.

29 (c) The school district of residence may not adopt policies that  
30 in any way block or discourage pupils from applying for transfer  
31 to another district.

32 (d) Communications to parents or guardians by districts electing  
33 to enroll pupils under the choice options provided by this article

1 shall be factually accurate and not target individual parents or  
2 guardians ~~on the basis of their~~ or residential neighborhoods on  
3 the basis of a child's actual or perceived academic or athletic  
4 performance or any other personal characteristic.

5 (e) A school district of choice, at its expense, shall ensure that  
6 the auditor who conducts the annual audit pursuant to Section  
7 41020, at the same time that he or she is conducting that annual  
8 audit, reviews compliance with the provisions in this section  
9 regarding a random, unbiased selection process and appropriate  
10 communications. The compliance review specified in this  
11 subdivision is not subject to the requirements in subdivision (d)  
12 of Section 41020. The school district of choice shall notify the  
13 auditor regarding this compliance review specified in this  
14 subdivision prior to the commencement of the annual audit. The  
15 governing board of the school district of choice shall include a  
16 summary of audit exceptions, if any, resulting from the compliance  
17 review conducted pursuant to this subdivision in the report it  
18 provides pursuant to subdivision (b) of Section 48313.

19 SEC. 2. Section 48303 of the Education Code is amended to  
20 read:

21 48303. (a) The school district of choice may not prohibit a  
22 transfer of a pupil under this article based upon a determination  
23 by the governing board of that school district that the additional  
24 cost of educating the pupil would exceed the amount of additional  
25 state aid received as a result of the transfer. ~~However, a~~ A school  
26 district may reject the transfer of a pupil if the transfer of that pupil  
27 would require the district to create a new program to serve that  
28 pupil, *except that a school district of choice shall not reject the*  
29 *transfer of a special needs pupil, including an individual with*  
30 *exceptional needs, as defined in Section 56026, and an English*  
31 *learner.*

32 (b) This section is intended to ensure that special education,  
33 bilingual, *English learner*, or other special needs pupils are not  
34 discriminated against by the school district of choice because of  
35 the costs associated with educating those pupils. Pupils with special  
36 needs may take full advantage of the choice options available under  
37 this section.

38 ~~SEC. 2.~~

39 SEC. 3. Section 48306 of the Education Code is amended to  
40 read:

1 48306. (a) A school district of choice shall give priority for  
2 attendance to siblings of children already in attendance in that  
3 district.

4 (b) A school district of choice may give priority for attendance  
5 to children of military personnel.

6 ~~SEC. 3.~~

7 *SEC. 4.* Section 48307 of the Education Code is amended to  
8 read:

9 48307. (a) A school district of residence with an average daily  
10 attendance greater than 50,000 may limit the number of pupils  
11 transferring out each year to 1 percent of its current year estimated  
12 average daily attendance.

13 (b) A school district of residence with an average daily  
14 attendance of less than 50,000 may limit the number of pupils  
15 transferring out to 3 percent of its current year estimated average  
16 daily attendance and may limit the maximum number of pupils  
17 transferring out of the district pursuant to *for the duration of the*  
18 *program authorized by this article* to 10 percent of the average  
19 daily attendance *for that period*.

20 (c) *A school district of residence that has a negative status on*  
21 *the most recent budget certification completed by the county*  
22 *superintendent of schools in any fiscal year may limit the number*  
23 *of pupils who transfer out of the district in that fiscal year.*

24 ~~SEC. 4.~~

25 *SEC. 5.* Section 48310 of the Education Code is amended to  
26 read:

27 48310. (a) The average daily attendance for pupils admitted  
28 by a school district of choice pursuant to this article shall be  
29 credited to that district pursuant to Section 46607. The attendance  
30 report for the school district of choice may include an identification  
31 of the school district of residence.

32 (b) Notwithstanding other provisions of law, state aid for  
33 categorical education programs for pupils admitted under this  
34 article shall be apportioned to the school district of choice.

35 (c) For any school district of choice that is a basic aid district,  
36 the apportionment of state funds for any average daily attendance  
37 credited pursuant to this section shall be 70 percent of the district  
38 revenue limit calculated pursuant to Section 42238 that would  
39 have been apportioned to the district of residence. For purposes  
40 of this subdivision, the term “basic aid district” means a school

1 district that does not receive from the state, for any fiscal year in  
2 which the subdivision is applied, an apportionment of state funds  
3 pursuant to subdivision (h) of Section 42238.

4 (d) The average daily attendance of pupils admitted by a school  
5 district of choice pursuant to this article shall be credited to that  
6 school district for the purposes of any determination under Article  
7 2 (commencing with Section 17010) of Chapter 12 of Part 10 that  
8 utilizes an average daily attendance calculation.

9 ~~SEC. 5.~~

10 SEC. 6. Section 48313 of the Education Code is amended to  
11 read:

12 48313. (a) Pursuant to this article, each school district electing  
13 to accept transfer pupils shall keep an accounting of all requests  
14 made for alternative attendance and records of all disposition of  
15 those requests that shall include, but are not limited to, all of the  
16 following:

17 (1) The number of requests granted, denied, or withdrawn. In  
18 the case of denied requests, the records ~~may~~ *shall* indicate the  
19 reasons for the denials.

20 (2) The number of pupils transferred out of the district pursuant  
21 to this article.

22 (3) The number of pupils transferred into the district pursuant  
23 to this article.

24 (4) *The race, ethnicity, gender, self-reported socioeconomic*  
25 *status, and the school district of residence of each of the pupils*  
26 *described in paragraphs (2) and (3).*

27 (5) *The number of pupils described in paragraphs (2) and (3)*  
28 *who are classified as English learners or identified as individuals*  
29 *with exceptional needs, as defined in Section 56026.*

30 (b) The information maintained pursuant to subdivision (a) shall  
31 be reported to the governing board of the school district at a  
32 regularly scheduled meeting of the governing board. No later than  
33 May 15th of each year, the school district shall report the  
34 information maintained pursuant to subdivision (a) in addition to  
35 information regarding the district's status as a school district of  
36 choice in the upcoming school year to each school district that is  
37 geographically adjacent to the district electing to accept transfer  
38 pupils, the county office of education in which the district is  
39 located, ~~and the Superintendent~~ *the Superintendent, and the*  
40 *Legislative Analyst.*

~~SEC. 6.~~

*SEC. 7.* Section 48314.5 of the Education Code is repealed.

~~SEC. 7. Section 48315 of the Education Code is repealed.~~

*SEC. 8. Section 48315 of the Education Code is amended to read:*

48315. This article shall become inoperative on July 1, 2009 2016, and, as of January 1, 2010 2017, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2010 2017, deletes or extends the dates on which it becomes inoperative and is repealed.

*SEC. 9. Section 48316 is added to the Education Code, to read:*

48316. *It is the intent of the Legislature to request that the Legislative Analyst conduct, after consulting with appropriate legislative staff, a comprehensive evaluation of the interdistrict transfer program established pursuant to this article. It is further the intent of the Legislature that the evaluation be completed and submitted to the appropriate education policy committees of the Legislature and the Governor by November 1, 2014.*

~~SEC. 8.~~

*SEC. 10.* This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that pupils continue to have the opportunity to apply for interdistrict transfers, it is necessary that this act take effect immediately.